

HOUSE OF REPRESENTATIVES—Monday, April 3, 2000

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BALLENGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 3, 2000.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 835. An act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 2097. An act to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

TIME TO BREAK THE ADDICTION TO CHEAP OIL

Mr. BLUMENAUER. Mr. Speaker, recent disruption in oil supply has created problems with heating oil prices, costs to truckers for their diesel fuel, and increased gasoline prices. The response and the proposed solutions have ranged from the ridiculous to the absurd, even the destructive. Most reasonable people agree that the United States cannot always have unlimited supply of oil at the lowest cost in the

developed world. Such assumptions are not just wrong headed, they are impossible to maintain and they encourage behaviors that are costly to the American public. We are, as a Nation, addicted to cheap oil. It skews our policy in the Mideast; discourages development of alternative fuels and energy conservation. It encourages waste, pollution and the negative side effects of our exclusive reliance on the automobile for personal transportation. It also makes us much more vulnerable to disruption in oil supply and price whether by natural market forces, unintended disaster or unfriendly policies from OPEC nations.

It is important for us to acknowledge that the United States consumes three times as much fuel per capita as any other developed country. Just 5 percent of the world's population of the United States consumes over a quarter of the world's oil supply, equivalent to Western Europe and Japan combined. For all the hysteria about recent price increases, we are still well below the 1981 high of \$2.49 per gallon in today's dollars, and a little over a year ago we had the cheapest gasoline prices in our history in real terms.

Amongst the most unfortunate so-called solutions has been the proposal to cut the Federal gasoline tax 4.3 cents or more. There is no indication at all that a tax reduction will mean any reduction in price for the consumer. So long as supplies are constrained and demand is high, the market will charge what the market will bear. A tax cut will simply mean more profit for oil producers and distributors. This is also an invitation for people to manipulate oil supply and prices. If the United States Congress, led by the Senate, is so misguided as to cut the gasoline price to take the pain out of higher prices, even if it would work, and there is no evidence that it would, it is simply an invitation for OPEC or others to continue manipulation because Uncle Sam will take up the slack and reduce the pain. It is further ill conceived because the gas tax now is largely dedicated to funding our transportation infrastructure.

At a time when communities are struggling to maintain the condition of their roads, wrestling with capacity questions and looking for ways to provide support for transit so that the traveling public has choices, losing \$7.2 billion a year of infrastructure investment will be counterproductive, making our problems harder while costing us more money.

How we move and organize our energy supplies and their environmental consequences has everything to do with a community's livability. Instead of pandering to OPEC and playing an elaborate game of pretend with the American public and certainly instead of making the problem worse, Congress should be part of the solution. We should now have an energy policy in this country. There has been little discussion in recent years. We ought to use this occasion to reexamine our attitudes regarding the utilization of energy.

Instead of Congress interfering with the administration's efforts to increase energy standards for automobiles, we ought to have minimum fuel efficiency standards for all motorized vehicles. It is time to stop pretending that pickups and SUVs are anything but what the vast majority of people use them for, personal transportation. They ought to be subject to the same standards as cars. Instead of giving billions of dollars of extra profit to OPEC and oil distributors, if people really think that government does not need the money, we should invest it in the development of alternative energy sources. Wind, solar, fuel cells and higher-efficiency vehicles are all ways to cut down on our dependence on oil, and especially oil imports.

There ought to be a premium placed on energy efficiency in building design and land use. This could have a huge impact on energy utilization. Most important, it is time for politicians to stop treating the public as spoiled children who cannot accept the truth or modify behavior. If we treat the American public like grown-ups, as full partners in the development of energy strategies and more livable communities, our families and businesses will, in fact, rise to the occasion. And our communities will be more livable, our families will be safer, healthier and more economically secure.

ADMINISTRATION'S COERCION OF SMITH AND WESSON POSES SERIOUS THREAT TO OUR FORM OF GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, on March 17, President Clinton announced that the firearms manufacturer, Smith and Wesson, had agreed to a certain

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

number of gun safety proposals and the agreement reached, quote, "an unprecedented partnership between the government and the gun industry," end quote.

Partnership: now there is a very euphemistic term of what was accomplished. It obviously was high-handedness, to say the least. The Wall Street Journal ran an article on March 21 regarding this action by the administration. Here is a brief description of how the administration approached the CEO of Smith and Wesson, Ed Shultz. Quote, "In late January two young Clinton administration lawyers flew to Nashville, Tennessee, where they handed Mr. Shultz, the chief executive officer of Smith and Wesson, a list of gun control demands. Agree to this, the government attorneys said, and the legal assault on the Nation's largest handgun manufacturer would be called off."

Now, I am not sure exactly where this so-called partnership began, but such a story reeks of coercion. It reminds me of the old protection racket, pay up because you need my protection; otherwise, bad things can happen to you.

Mr. Speaker, this action taken by the administration is a serious threat to our form of government. Our President should not attempt to change public policy by threatening a company with bankruptcy by way of lawsuits. As such, I have introduced legislation disapproving the use of this heavy-handedness by the administration. This agreement establishes a terrible precedent, one that can have enormous ramifications on our society. Where will the administration turn next? HMOs, utilities, pharmaceutical companies, tobacco companies and maybe, liquor, beer and wine companies?

Mr. Speaker, there is a Washington Post editorial of April 2, Sunday, which I will make a part of the RECORD at this point.

[From the Washington Post, Apr. 2, 2000]

GOVERNMENT BY LAWSUIT . . .

For those who favor robust federal regulation of tobacco and strict controls on handguns, as we do, it is tempting to cheer any use of the courts to circumvent Congress' unwillingness to implement common-sense policy. Litigation has caused tobacco companies to improve the way they operate. A recent deal with gun maker Smith & Wesson, is, in substance, similarly in the public interest.

But the process is worrisome—prone to abuse. Filing lawsuits is generally speaking a bad way to make policy. The government has nearly unlimited resources; should it use them, in court, against law-abiding companies that it happens to dislike? Even a weak case can be used to bully those who lack the resources to fight to the end. So where is the line between legitimate governance and extortion?

The tobacco case falls on the legitimate side of the line. The government has at least put its name on a complaint. Attorney General Janet Reno is politically accountable

for that suit, which the industry is now asking the court to throw out. If she loses, Ms. Reno will have to answer for filing litigation the courts deemed frivolous. Moreover, the tobacco companies for decades misrepresented the state of their knowledge about the lethality of their products, engineered them to be addictive and marketed them to children. The government's argument that it has a cause of action under federal law remains untested, but it isn't laughable.

Against the gun makers, the government does not even claim to have its own cause of action. Rather it is organizing a suit by local authorities and then stepping into negotiations to push its policies as a basis for settlement. If this is a legitimate strategy, it's hard to see why an anti-abortion administration, say, could not encourage litigation against drug companies marketing abortion-inducing drugs and then demand that those drugs be withdrawn as a condition of settlement. Abortion foes might cheer then as gun foes do now.

Federal lawsuits can redress unjust readings of the law, as in the civil rights era. Novel legal theories surely have a place in government litigation. But this is not a broad license to use suits or the threat of suits to get around democratic policymaking. To do so undermines the legislative branch, demeans the judicial and poses threats to the liberty of those who obey the law but fall out of official favor.

This article goes on to say, quote, "The government has nearly unlimited resources. Should it use them in court against law-abiding companies that it happens to dislike? Even a weak case can be used to bully those who lack the resources to fight to the end. So where is the line between legitimate government and extortion," end quote?

Mr. Speaker, the administration's action was wrong, and it speaks directly to the point of my resolution. The Constitution, article 1, section 1, states that all legislative power herein granted shall be vested in the Congress of the United States. The framers of our constitution created this body to formulate public policy. What they did not intend was for the executive branch to circumvent Congress any time it disagrees with our actions.

Furthermore, we in Congress are elected to uphold the Constitution and represent the views of our constituents, most of whom believe we need to enforce the 20,000-plus gun laws that are on the books to reduce gun violence.

Now, the administration may use polling, but 800 or 1,000 people who are polled is hardly an indication of where Americans all stand on a particular issue.

It is well known that any question can be skewed towards getting a specific answer. The administration consistently presents Americans with a one-sided version with regard to gun violence in this country. Why do we not hear from the administration that it has failed to enforce the 20,000-plus gun laws that are already on the books?

In fact, Syracuse University did a study, and it shows that this enforce-

ment is down 44 percent since 1993. So, the President, and the media, by not reporting things accurately, have demonstrated to Americans the extraordinary ability to change facts and statistics and season them with emotional hype while at the same time neglecting the information that may give Americans an equal opportunity to make an informed decision on guns.

So I urge my colleagues to support my House resolution, which I intend to drop today. It basically says we cannot have government by lawsuit, and it talks about our country is a Republic while the government is the supreme power, it's power is vested in a its citizens who select and elect officers and representatives who govern them appropriately. We can not have the Government go out and use high-handed techniques to force corporations to comply with their wishes and omit the legislative process.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God Almighty, to call You Eternal is to place You in every moment yet beyond time. Be attentive to our prayer.

We bless You and praise You for the time this weekend we have gathered with Your people of faith. In those moments we listened to Your Word, we thanked You with our brothers and sisters of faith for Your presence and guidance in our daily lives. We are grateful to You, O Lord, for the moments we had this weekend to spend with family and friends. These relationships ground us in love and sustain us in all that we do. Take care of those committed to our care by life or by constitution.

Time is a most precious commodity to us and to all in the human family. To the wealthy and successful, time is a priceless gift. Never enough. To those suffering, in pain or incarcerated, time is elongated and penetrating. On them, Lord, have mercy. Help the people of this assembly and of this Nation to seize the present moment and to fill our day with works of peace and justice.